

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,)	File No.: 22-cr-162(1)
)	(DSD/TNL)
Plaintiff,)	
)	
vs.)	
)	Courtroom 9W
Joshua Gunnar Olson,)	Minneapolis, Minnesota
)	September 9, 2022
Defendant.)	10:00 a.m.
)	

BEFORE THE HONORABLE TONY N. LEUNG
UNITED STATES DISTRICT COURT MAGISTRATE JUDGE

STATUS CONFERENCE

APPEARANCES:

For the Plaintiff: UNITED STATES ATTORNEY'S OFFICE
By: Emily Polachek, Esq.
300 South Fourth Street, #600
Minneapolis, Minnesota 55415

For the Defendant: CAPITOL CITY LAW GROUP, LLC
By: A.L. Brown, Esq.
287 East Sixth Street, #20
St. Paul, Minnesota 55101

Court Reporter: BRITTANY K. BLESENER, RPR
United States Courthouse
300 South Fourth Street, Box 1005
Minneapolis, Minnesota 55415

Proceedings recorded by mechanical stenography;
transcript produced by computer.

* * *

Brittany K. Blesener, RPR
651-808-7134

P R O C E E D I N G S

(In open court.)

THE COURT: I'm going to go ahead and call the case. And this is the case of the United States of America vs. Joshua Gunnar Olson, Case No. 22-cr-162.

And just for the record, Government, please identify yourself for the record.

MS. POLACHEK: Good morning, Your Honor. Emily Polachek on behalf of the United States.

THE COURT: Good morning. Thank you for being here. And on behalf of -- or who has been appointed to represent Mr. Olson?

MR. BROWN: Good morning, Your Honor. A.L. Brown, and if the Court would permit, I would like to apologize for the confusion.

THE COURT: No, no need to apologize. Thank you for being here.

Okay. So obviously we don't have Mr. Olson here, and one of the reasons we have a status conference is that he hasn't been appearing. So at this point we -- I did ask the supervisor for the U.S. Marshals to come up here.

And could you come up and identify yourself for the record?

DEPUTY MARSHAL: Ferris Wooten. I'm the supervisor of the U.S. Marshals here in the District of Minnesota.

1 THE COURT: Okay. Before I ask you further
2 questions, I guess I want to ask -- to the extent you're
3 comfortable not disclosing any potential client-attorney
4 confidences, do you know where your client is and why he's not
5 here, sir?

6 MR. BROWN: Well, Your Honor, I hope he's still in
7 Sherburne County Jail, is what I suspect. If I could make a
8 very brief record, Your Honor.

9 THE COURT: Yeah. Are you comfortable doing this in
10 front of the Government? This part of it?

11 MR. BROWN: I'll tread lightly.

12 THE COURT: Okay. Yeah, use your judgment. If we
13 get close, we'll send the Government out.

14 MR. BROWN: And Ms. Polachek will know to leave. She
15 will get up and walk out if we get close, but I tried to have
16 contact with Mr. Olson to prepare to represent him in this
17 case. There -- from his -- yeah, maybe we should -- I don't
18 think I can do it. I thought I could work around it.

19 THE COURT: Okay. Yeah.

20 And at this point, I do want to note for the record
21 Ms. Polachek, for the Government, is stepping out of the
22 courtroom.

23 *(Ms. Polachek exits the courtroom.)*

24 THE COURT: And she is now outside the courtroom.

25 *(Ex parte portion of proceedings bound separately on pages
4-6.)*

1 *(Ms. Polachek reenters the courtroom.)*

2 DEPUTY MARSHAL: What an end to the week here.

3 THE COURT: Obviously we had a, you know,
4 Court-ordered status conference specifically asking, you know,
5 that lawyers and also Mr. Olson be present.

6 And could you identify yourself for the record?

7 DEPUTY MARSHAL: Ferris Wooten, supervisor here in
8 the District of Minnesota with the Marshals Service.

9 THE COURT: Supervisor Wooten, as far as Mr. Olson,
10 what's going on?

11 DEPUTY MARSHAL: So he's currently still in the
12 Sherburne County Jail. I received an email this morning from a
13 booking sergeant stating that Mr. Olson was refusing to come to
14 court today, and how should they proceed.

15 So I responded back and asked them to keep trying to
16 encourage him to come to court, he has a status conference
17 today. He needed to be here. They tried several times and it
18 was getting close to the time that they had to leave to get
19 everyone else to court. I told him that's fine. Go ahead and
20 leave him, and then asked what his reasoning was. And he
21 stated to them that he is not a federal prisoner, he's not
22 being charged federally, and he has nothing to do with the
23 United States Marshal Service so he was not going to go to
24 court.

25 THE COURT: Okay. As far as your understanding, he's

1 just refusing to come to court?

2 DEPUTY MARSHAL: Yes, sir.

3 THE COURT: Okay. And probably other issues as well,
4 such as not recognizing the federal court system and so forth.

5 DEPUTY MARSHAL: Yes, sir.

6 THE COURT: All right. Well, obviously we have --
7 you know, just for the record -- you know, I think that's all
8 we need from Supervisor Wooten.

9 Does the Government have anything for Supervisor
10 Wooten?

11 MS. POLACHEK: No, Your Honor. Thank you.

12 THE COURT: Defense?

13 MR. BROWN: No, Your Honor.

14 THE COURT: Okay. Thank you so much. Twice in two
15 days.

16 And I don't believe I've ever had Marshal Wooten or
17 Deputy Marshal Wooten say anything in court over how many years
18 and now twice in two days.

19 Obviously, this is a serious situation. We
20 originally have motions set for September 20. Obviously that
21 becomes very problematic. It's 11 days until motion day. And
22 my understanding then is that, you know, we are not in a
23 position, I don't believe, to -- there are no motions filed.
24 And I do believe that we need to go forward in this case.
25 Obviously, Mr. Olson can't dictate whether he goes forward,

1 works with us in this criminal legal process.

2 So I'm -- you know, I guess I should have informed --
3 I'm not comfortable authorizing the use of force at this point
4 to bring him, but I -- you know, at some point we've got to --
5 he has no choice. I mean, we'll have to use force, but the
6 next hearing is not the hearing. I'm still going to hope that,
7 you know, Mr. Olson has a -- you know, that he'll come
8 voluntarily so that we don't have to use more force than is
9 necessarily or reasonably necessary to bring him to court. But
10 at some point, just for the record here, because he should be
11 here too, is that, you know, we're going to have to do what we
12 need to do on that.

13 But the next hearing, I think, practically has to be
14 a hearing on your motion to withdraw. So, you know, obviously
15 just as he was ordered to appear in court today, he's ordered
16 to appear in court for that next hearing. And given that
17 September 20 date was the original date for the motions hearing
18 anyways, we'll just use that as the date for the next hearing,
19 at 2:00 p.m. was the original motion date.

20 And, by the way, I mean, I believe, as far as the
21 Court can proceed, both sides, counsel have been ready to
22 proceed with whatever motions may or may not be necessary. But
23 obviously we're not in a position to file any motions at this
24 point, given some of these developments and Mr. Olson's failure
25 or refusal to recognize the authority of the federal courts,

1 apparently.

2 So with that, I believe that covers what we need to
3 cover today, unfortunately. So all of the parties are back to
4 court on September 20 at 2:00 p.m., but given that, you know,
5 we're not in a position to argue motions, that will be the date
6 that we will use for hearing the motion to withdraw.

7 And that, I believe -- let's see.

8 Anything else from Government?

9 MS. POLACHEK: No, Your Honor.

10 THE COURT: Anything else from defense?

11 MR. BROWN: No, Your Honor, just -- yes, briefly. I
12 think the Court should have this additional information. He is
13 set for trial in Anoka County. So we might see how he performs
14 or behaves in that setting. I think it's next Monday it's set
15 for.

16 MS. POLACHEK: Yes, Your Honor. He's scheduled to be
17 in Anoka County from September 12th to 14th on State charges
18 that --

19 THE COURT: Actually going to trial?

20 MS. POLACHEK: Yes, Your Honor. The County Attorney
21 has indicated that there have been some issues with the State
22 court proceedings and there is a chance that it may not
23 proceed, but it is still on the calendar and she plans to be
24 there to proceed to trial.

25 THE COURT: Yeah. Well, I don't pretend to know

1 what's going on with the state calendars anymore these days. I
2 seem to not be able to get much done in the federal calendar,
3 it seems.

4 Okay. I believe we've made a proper record.
5 Anything else, Mr. Brown? Thank you for sharing that
6 information. We'll just have to see if that trial happens when
7 it's scheduled and, you know, see if that shakes anything loose.

8 MR. BROWN: Nothing further, Your Honor.

9 THE COURT: All right. Government?

10 MS. POLACHEK: No. Thank you, Your Honor.

11 THE COURT: Okay. We're in recess. Thank you,
12 everyone.

13 *(WHEREUPON, the proceedings were adjourned at 10:55 a.m.)*

14 * * *

15 I, Brittany K. Blesener, certify that the foregoing is a
16 correct transcript from the record of proceedings in the
17 above-entitled matter.

18 Certified by: /s/Brittany K. Blesener
19 Brittany K. Blesener, RPR
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